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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,386	04/01/2004	John L. Belbute	INTU-990055	2895
63773 7590 06/01/2007 INTUIT, INC. c/o PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER RUTTEN, JAMES D	
			ART UNIT 2192	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/817,386	Applicant(s) BELBUTE, JOHN L.	
	Examiner J. Derek Rutten	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 have been examined.

Specification

2. The use of the trademark "Java" has been noted in this application (e.g. paragraph [0023]). It should be capitalized wherever it appears and be accompanied by the generic terminology (e.g. "Java programming language").

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

3. Claims 7, 8, 17 and 26 are objected to because of the following informalities: In claim 7, there is a typo in line 2: "a test case intersect" should be --a test case intersects--. A similar typo exists in claims 8, 17, and 26. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 11, 12, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 11 recites the limitation "wherein identifying one or more paths" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of further examination, claim 11 will be interpreted as referring to claim 10 line 6: --identifying one or more *changed* paths--. A similar limitation exists in claim 12, and it will be interpreted likewise.
7. Claim 24 recites the limitation "the parameters" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of further examination, this will be interpreted simply as --~~the~~ parameters--.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7-14, 16-23, and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by "Post-Maintenance Testing Based on Path Change Analysis" by Benedusi et al. (hereinafter "Benedusi").

In regard to claim 1, Benedusi discloses:

A method for testing changes in a software program using a plurality of test cases, wherein the software program comprises a first plurality of execution paths, See page 354, column 1, lines 13-24, e.g. "strategies." the method comprising:

identifying one or more changed paths in the first plurality of execution paths;

See page 354, column 1, lines 16-18, e.g. “identify how many and which paths have been added, ...deleted and ... modified.”

from the plurality of test cases, identifying one or more test cases that are capable of executing the one or more changed paths; See page 354, column 1, lines 18-21, e.g. “re-running the test cases referring to (i) modified and new paths...”

and executing the one or more of the identified test cases to test the changed path.

See page 355, column 2, lines 59-60, e.g. “execution of the tests.”

In regard to claim 2, the above rejection of claim 1 is incorporated. Benedusi further discloses: *wherein the software program comprises one or more modules, and identifying one or more test cases comprises identifying a changed module and determining whether the changed module causes changes in the execution paths.* See page 355 column 1 lines 30-44; also page 356 column 1 line 35 – column 2 line 6.

In regard to claim 3, the above rejection of claim 1 is incorporated. Benedusi further discloses: *wherein identifying one or more test cases comprises identifying a second plurality of execution paths in the software program and determining the difference between the first and second pluralities of execution paths.* See page 355, column 1 lines 46-51.

In regard to claim 4, the above rejection of claim 3 is incorporated. Benedusi further discloses: *wherein the difference comprises at least one of a new path and a changed path*. See page 355 column 1 lines 34-38 and 40-44.

In regard to claim 5, the above rejection of claim 1 is incorporated. Benedusi further discloses: *wherein identifying one or more test cases comprises evaluating names of one or more methods of a test case from the plurality of test cases thereby determining whether the methods of the test case involve the one or more changed paths*. See page 356 column 1 lines 11-16.

In regard to claim 7, the above rejection of claim 1 is incorporated. Benedusi further discloses: *wherein identifying one or more test cases comprises determining whether a test case intersect one or more changed paths*. See page 354, column 1 lines 18-24.

In regard to claim 8, the above rejection of claim 7 is incorporated. Benedusi further discloses: *wherein determining whether a test case intersect one or more changed execution paths comprises identifying a module of the software program included in both the test case and a changed execution path*. See page 356 column 2 lines 8-12.

In regard to claim 9, the above rejection of claim 8 is incorporated. Benedusi further discloses: *wherein each module is represented by a node number*, See Fig. 2.

and each execution path and test case is represented by a string of node numbers, See page 359 line 6, also page 356, fig. 3a. All further limitations have been addressed in the above rejection of claim 8.

In regard to claim 10, Benedusi discloses:

A computer program product for testing a software program using a plurality of test cases, the computer program product comprising a computer usable medium having a computer readable program code embodied thereon, See page 352, column 2, Fig. 1 and line 30, e.g. "storage." All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 11, the above rejection of claim 10 is incorporated. Benedusi further discloses: *wherein the software program comprises one or more modules, wherein identifying one or more [changed] paths comprises identifying the changed module and determining whether the changed module causes changes in the execution paths. See page 355 column 1 lines 30-44; also page 356 column 1 line 35 – column 2 line 6.*

In regard to claim 12, the above rejection of claim 10 is incorporated. Benedusi further discloses: *wherein identifying one or more [changed] paths comprises identifying a second plurality of execution paths in the software program upon changing of the code and determining the difference between the first and second pluralities of execution paths. See page 355, column 1 lines 46-51.*

In regard to claim 13, the above rejection of claim 12 is incorporated. All further limitations have been addressed in the above rejection of claim 4.

In regard to claims 14 and 16-18, the above rejection of claim 10 is incorporated. All further limitations have been addressed in the above rejection of claims 2-5.

In regard to claim 19, Benedusi discloses:

A system for testing changes in a software program See page 352, Fig. 1. All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 20, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claim 2.

In regard to claim 21, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claims 3 and 12.

In regard to claim 22, the above rejection of claim 21 is incorporated. All further limitations have been addressed in the above rejection of claim 4.

In regard to claims 23 and 25-27, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claims 5 and 7-9, respectively.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benedusi as applied to claims 5, 14, and 23, respectively above, and further in view of U.S. Patent No. 6,662,359 to Berry et al. (hereinafter "Berry").

In regard to claim 6, the above rejection of claim 5 is incorporated. Benedusi does not expressly disclose: *wherein identifying one or more test cases further comprises evaluating parameters of one or more methods of a test case from the plurality of test cases thereby determining whether the methods of the test case involve the one or more changed paths*. However, Berry teaches that a unique signature, which includes method parameters, can identify a method. See column 6 lines 1-16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Berry's teaching of a unique method signature (including parameters) with Benedusi's functional

identification (see page 356 column 1 lines 11-16) in order to uniquely identify a method as suggested by Berry.

In regard to claims 15 and 24, the above rejections of claims 14 and 23 are respectively incorporated. All further limitations have been addressed in the above rejection of claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated


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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jdr



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SUPERVISORY PATENT EXAMINER